1 **State of Arkansas**

2 **79th General Assembly**

3 **Regular Session, 1993**

4 **By: Senator Hardin**

A Bill

ACT 1227 OF 1993

SENATE BILL   435

5

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7 ## For An Act To Be Entitled

8   "TO AMEND VARIOUS SECTIONS OF THE JUVENILE CODE TO MAKE

9   TECHNICAL CORRECTIONS; AND FOR OTHER PURPOSES."

10

11 ## Subtitle

12   "TO AMEND VARIOUS SECTIONS OF THE VARIOUS SECTIONS OF THE

13   JUVENILE CODE TO MAKE TECHNICAL CORRECTIONS."

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15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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17   SECTION 1. Arkansas Code Annotated Section 9-27-303(24) is amended to

18 read as follows:

19   "(24) _Notice of hearing_ means a notice which describes the nature of

20 the hearing, the time, date, and place of hearing, the right to be present,

21 heard, and represented by counsel, and instructions on how to apply to the

22 court for appointment of counsel if indigent, or a uniform notice as developed

23 and prescribed by the Arkansas Supreme Court. The notice of hearing shall be

24 served in the manner provided for service under the Arkansas Rules of Civil

25 Procedure (ARCP)."

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27   *SECTION 2. Arkansas Code Annotated Section 9-27-334(b) is amended to*

28 *read as follows:*

29   *"(b)(1) Transfer custody of the juvenile to the Department of Human*

30 *Services or to another licensed agency responsible for the care of juveniles,*

31 *or to a relative or other individual.*

32   *(2) Such order of custody shall supersede an existing court order of*

33 *custody and shall remain in full force and effect until a subsequent order of*

34 *custody is entered by a court of competent jurisdiction."*

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36   SECTION 3. Arkansas Code Annotated Section 9-27-315 is amended to read

1 as follows:

2   "§9-27-315. Emergency hearings.

3   (a) Following the issuance of an emergency order removing the custody

4 of a juvenile from a parent, guardian, or custodian, the court shall, within

5 five (5) business days of the issuance of the ex parte order, hold a hearing

6 to determine if probable cause to issue the emergency order continues to

7 exist.

8   (b) The petitioner shall have the burden of proof by a preponderance of

9 evidence that probable cause exists for continuation of the emergency order.

10   (c) If the court determines that the juvenile can safely be returned to

11 his home pending adjudication, the court shall so order.

12   (d)(1) At the emergency hearing the court shall set the time and date

13 for the adjudication hearing.

14   (2) The adjudication hearing shall be held within thirty (30)

15 days of the emergency hearing, but may be continued for no more than twenty

16 (20) days following the first thirty (30) days on motion of any party for good

17 cause shown."

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19   SECTION 4. Arkansas Code Annotated Sections 9-27-330(5)(6) and (7) are

20 amended to read as follows:

21   "(5) Assess a court cost of no more than thirty-five dollars ($35.00)

22 to be paid by the juvenile or his parent or guardian.

23   (6) Order restitution to be paid by the juvenile or his parent or

24 guardian.

25   (7) Order a fine of not more than five hundred dollars ($500) to be paid

26 by the juvenile or his parent or guardian."

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28   SECTION 5. All provisions of this act of a general and permanent nature

29 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code

30 Revision Commission shall incorporate the same in the Code.

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32   SECTION 6. If any provision of this act or the application thereof to

33 any person or circumstance is held invalid, such invalidity shall not affect

34 other provisions or applications of the act which can be given effect without

35 the invalid provision or application, and to this end the provisions of this

1 act are declared to be severable.

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3   SECTION 7. All laws and parts of laws in conflict with this act are

4 hereby repealed.

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8   */s/Senator Hardin*

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10   APPROVED: 4/20/93

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